

FILED**AUG 08 2018**

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA**

Clerk, U S District Court
District Of Montana
Billings

Billings DIVISION
(You must fill in this blank. See Instruction H)

ALBERT E. HARE
3011269
(Write the full name of the plaintiff who is filing this
complaint and prisoner number, if any.)

Plaintiff,

-against-

KENNETH RAYMOND COTTRELL
ALLAN KITERMAN

(Write the full name(s) of each defendant who is
being sued. If the names of all the defendants cannot
fit in the space above, please write "see attached" in
the space and attach an additional page with the full
list of names. The names listed in the above caption
must be identical to those contained in Section IV.
Do not include addresses here and do not use et al.)

Defendants.

Case No. _____
(to be filled in by the Clerk's Office)

COMPLAINT
(Pro Se Prisoner)

Jury Trial Demanded: ☒ Yes ☐ No
(check one)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed *in forma pauperis*.

Prisoner Complaint Form
Plaintiff's Last Name _____

HARE

(Revised May 2017)
Page 1 of 9

INSTRUCTIONS

1. Use this form to file a civil complaint with the United States District Court for the District of Montana. Include only counts/causes of action and facts – not legal arguments or citations. You may attach additional pages where necessary. Your complaint must be typed or legibly handwritten in ink and on white paper. Write on only one side of the paper. Do not use highlighters and do not staple or otherwise bind your papers. All pleadings and other papers submitted for filing must be on 8 ½" x 11" paper (letter size). You must sign the complaint (see page 8). Your signature need not be notarized but it must be an original and not a copy. The Clerk's Office cannot provide you copies of documents in your file without prepayment of \$0.10 per page (for documents electronically available) or \$0.50 (for documents not electronically available). Please keep a copy of the documents you send to the Court.
2. The filing fee for a complaint is \$350.00 plus a \$50.00 administrative fee for a total of \$400.00. This amount is set by Congress and cannot be changed by the Court. If you pay the filing fee, you will be responsible for serving the complaint on each defendant and any costs associated with such service.
3. If you are unable to prepay the entire filing fee and service costs for this action, you may file a motion to proceed in forma pauperis. If you are a prisoner and your motion to proceed in forma pauperis is granted, the Court will assess an initial partial filing fee equal to 20% of the average monthly deposits to your prison account for the six months immediately preceding the filing of the action, or 20% of the average monthly balance in your prison account for the same six-month period, whichever is greater. Thereafter, the balance of the \$350.00 filing fee will be collected in installments equal to 20% of your preceding month's income any time the amount in your account exceeds \$10.00. The \$50.00 administrative fee does not apply to persons granted *in forma pauperis* status. You will be required to continue making these payments even if your complaint is dismissed.
4. Complaints submitted by persons proceeding in forma pauperis and complaints submitted by prisoners suing a governmental entity or employee must be reviewed by the Court before the defendants are required to answer. See 28 U.S.C. §§ 1915(e)(2), 1915A(a); 42 U.S.C. § 1997e(c). The Court will dismiss your complaint before it is served on the defendants if: (1) your allegation of poverty is untrue; (2) the action is frivolous or malicious; (3) your complaint does not state a claim upon which relief may be granted; or (4) you sue a defendant for money damages and that defendant is immune from liability for money damages. After the Court completes the review process, you will receive an Order explaining the findings and any further action you may or must take. The review process may take a few months; each case receives the judge's individual attention.

Plaintiffs should not serve defendants, pursue discovery, or request entry of default judgment prior to the completion of this review process.

5. Prisoners who have had three or more cases dismissed as frivolous, malicious, or failing to state a claim upon which relief may be granted (strikes) will not be permitted to file any further civil actions without prepaying the filing fee unless they are in imminent danger of serious harm. See 28 U.S.C. § 1915(g).
6. Prisoners may not maintain more than two civil actions in forma pauperis at one time, unless the prisoner shows that he or she is under imminent danger of serious physical injury.
7. The case caption (page 1 of this form) must indicate the proper Division for filing. The proper Division is where the alleged wrong(s) occurred. When you have completed your complaint, mail the *original* of your complaint and either the full filing fee or your motion to proceed in forma pauperis to the proper Division:

Billings Division:

Big Horn, Carbon, Carter, Custer, Dawson, Fallon, Garfield, Golden Valley, McCone, Musselshell, Park, Petroleum, Powder River, Prairie, Richland, Rosebud, Stillwater, Sweetgrass, Treasure, Wheatland, Wibaux, and Yellowstone Counties

U.S. District Court Clerk, 601 2nd Avenue North, Suite 1200, Billings, MT 59101

Butte Division:

Beaverhead, Deer Lodge, Gallatin, Madison, and Silver Bow Counties

U.S. District Court Clerk, 400 N. Main, Butte, MT 59701

Great Falls Division:

Blaine, Cascade, Chouteau, Daniels, Fergus, Glacier, Hill, Judith Basin, Liberty, Phillips, Pondera, Roosevelt, Sheridan, Teton, Toole, and Valley Counties (Crossroads Correctional Center is located in Toole County and all claims arising at CCC should be filed in Great Falls)

U.S. District Court Clerk, 125 Central Ave. West, Great Falls, MT 59404

Helena Division:

Broadwater, Jefferson, Lewis & Clark, Meagher, and Powell Counties (Montana State Prison is located in Powell County and all claims arising at MSP should be filed in Helena)

U.S. District Court Clerk, 901 Front St., Ste 2100, Helena, MT 59626

Missoula Division:

Flathead, Granite, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders Counties

U.S. District Court Clerk, P.O. Box 8537, Missoula, MT 59807

I. Parties to this Complaint

A. Plaintiff

Name: ALBERT E. HARE

All other names by which you have been known:

ID Number: 3011269

Current Institution: MONTANA STATE PRISON

Address: 700 CONLEY LAKE ROAD
DEER LODGE, MT. 59722

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (explain) _____

B. Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1:

Name: KENNETH RAYMOND COTTRELL

Job or Title: OWNER & DIRECTOR

Employer: ADULLAM HOUSE MINISTRIES

Address: 204 S. 29TH ST.

BILLINGS MT. 59101

- ☐ Individual capacity ☒ Official capacity

Defendant No. 2:

Name: ALLAN KITTERMAN
Job or Title: PAROLE OFFICER
Employer: BILLINGS PROBATION & PAROLE DEPARTMENT
Address: 2615 4TH AVE. SOUTH
BILLINGS, MT. 59107
☐ Individual capacity ☒ Official capacity

Defendant No. 3:

Name: _____
Job or Title: _____
Employer: _____
Address: _____

☐ Individual capacity ☐ Official capacity

Defendant No. 4:

Name: _____
Job or Title: _____
Employer: _____
Address: _____

☐ Individual capacity ☐ Official capacity

(NOTE: If more space is needed to furnish the above information, continue on a blank sheet labeled "APPENDIX A: PARTIES").

II. Basis for Jurisdiction

Indicate below the federal legal basis for your claim, if known. This form is designed primarily for pro se prisoners challenging the constitutionality of their conditions of confinement, claims which are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

- ☒ 42 U.S.C. § 1983 (state, county, or municipal defendants)
- ☐ Action under *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971) (federal defendants)

Prisoner Complaint Form

Plaintiff's Last Name HARE

(Revised May 2017)

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III. Statement of Claim(s)

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph.

A. Count I:

1. What federal constitutional or statutory right(s) do you claim is/are being violated by defendants?
please see EXHIBIT A
2. What date and approximate time did the events giving rise to your claim(s) occur?
please see EXHIBIT B
3. Supporting Facts: (Include all facts you consider important, including names of persons involved, places, and dates. Describe what happened without citing legal arguments, cases, or statutes).
PLEASE SEE EXHIBIT C
Also see Exhibit's G , H , I , and J
for supporting Facts
4. Defendants Involved: (List the name of each defendant involved in this claim and specifically describe what each defendant did or did not do to allegedly cause your injury).
PLEASE SEE EXHIBIT D

(NOTE: For each additional claim, use a blank sheet labeled "APPENDIX B. STATEMENT OF CLAIMS." You must address paragraphs III(A)(1-4) for each count., following the directions under paragraph III.

OPENING STATEMENT

AND

WHAT FEDERAL CONSTITUTIONAL RIGHTS
ARE BEING VIOLATED

OPENING STATEMENT

01) Comes Now, the Plaintiff Albert Eugene Hare, and would plead
02) Now with this Honorable Court to correct not only a Gross Miscarriage
03) of Justice and also unconstitution misconduct by the prosecution
04) Attorney and his office.
05) The total disregard and callous disregard of this petitioner
06) Albert E, Hare, protected constitutional Rights that are being
07) violated.
08) This is an Assault and Battery by a Local official named
09) Kenneth Raymond Cottrell.
10) A criminal charge filed by the Plaintiff "ALBERT E, HARE, WHO
11) is the vitim in this cause.
12) This cause must be heard, "To Justify," Requires that this most
13) Honorable Court to Investigate this Plaintiff Accusations of truth
14) and facts in this cause.
15) This is a Federal Claim in the Federal Courts because the city
16) of Billings in the State of Montana district Attorney Scott twito
17) failed to prosecute the defendant Kenneth Raymond Cottrell for
18) the assault and battery.

19) Article VI of the Constitution requires that Judges in every
20) State recognizes the Constitution as the supreme Law of the land.
21) The same holds true for all Laws made by Congress.
22) If a Judge finds that a State Law is in conflict with the
23) Constitution, He or She must rule in favor of the Constitution.
24) Also, States that all Federal and State Officials are bound
25) to uphold the constitution.

HARE

What federal constitutional or statutory rights do you claim is/are being violated by the Defendants ?

COUNT 1

- 01) UNDER COLOR OF LAW
- 02) 8th AMENDMENT CRUEL AND UNUSUAL PUNISHMENT.
- 03) a "PATTERN" with his behavior and assault's & Battery
- 04) A STATE-ACTOR violates the 14th AMENDMENT WITH HIS INACTION, BY
- 05) placing me (Albert E, Hare) in a "DANGEROUS CREATION" AND
- 06) violating a state-created relationship with a foreseeable
- 07) incident, And failure to protect provision.

11 "DATE'S & TIMES"

PART 2

what date and approximate time did the events giving rise to claim(s) occur?

- 01) on 2-1-2017 at approximetely 2:00 pm. my parole officer
- 02) Allan Kitterman calls my phone and tells me he found a
- 03) sober living house for me. than gave me the phone number to
- 04) the Adullam House Ministries.
- 05) I (Albert E, Hare) called the number immediately and talk to
- 06) MR. KENNETH RAYMOND COTTRELL.
- 07) on 2-3-2017 at around 9:45 am MR. Cottrell brutally assaulted me
- 08) down stairs at the Adullam house ministries just out side my
- 09) room.
- 10) it was around 10:15 that i made it to Billings parole department
- 11) it was around 10:30 am that i find out that this wasn't the
- 12) first time MR. Cottrell has put hands on people
- 13) it was about 11:00 am that I check into riverstone hospital.

"SUPPORTING FACTS"

STATEMENT OF CLAIMS (AND)
SUPPORTING FACTS:

01) On January 18th 2017, I (Albert E, Hare) had just completed
02) a Drug Treatment program at/with Rimrock foundation in
03) Billings Montana. that I checked myself into, wanting a
04) better life for myself.

05) Around january 24th 2017 I seen my parole officer -
06) Allan Kitterman at the Billings probation & parole Depart-
07) ment, I (Albert E, Hare) told my p.o. upon getting out of
08) RimRock Foundation that I had no place to go, that I'm not
09) from Billings, or, Even this state, and didn't know anyone,
10) But I did find a place to lay my head, and also told my p.o.
11) that it wasn't a good place because drugs were coming in and
12) out all the time, but it gave me a place to sleep and I'm not
13) out on the streets all night.

14) Allan Kitterman my parole officer said than we need to find
15) you another place. I remind him that I'm not from this state
16) and didn't have many choice's. so my p.o. said what about a
17) sober living house ? and I said that would be Great. than my
18) p.o. said he'll look into it for me.

19) On 2-1-2017 around 2 pm, about a week later, my p.o. calls me
20) and tells me he found a Sober living house for me, and for me
21) to call this phone number. I call Immediately and talk to a
22) MR. Cottrell the owner of Adullam house ministries.
23) MR. Cottrell tells me over the phone that he dosen't like
24) talking over the phone, and that if I could make it there in
25) the next 2 hours that we could sit down and talk. I was there
26) Ten minutes later. after talking AND MR. Cottrell agreeing to
27) giving me two days before I had to start looking for a JOB,
28) so I could put all my belonging some place safe. (starting)
29) on 2-2-2017 (ending) at 10 pm 2-3-2017.

30) On 2-2-17 MR. Cottrell gave me \$40.00 dallors to buy food
31) for myself. than i spent the rest of the day moving my things
32) than I stoped by the store Albertson and picked up some food,
33) than stop by my girl-friends place and had dinner, than went
34) back to the Adullam house or sober living house witch ever.
35) I was feeling really good with what I had accomplish that
36) Day.

37) On 2-3-2017 I woke up and laid there planing my Day, I knew
38) I had a appointment with my case Manager at RimRock foundation
39) around 11:00 am so, I just stayed in bed, not wanting to be
40) stuck across Town and take a chance of missing my appointment.

41) around 9:00 or 9:30 am MR. Cottrell come down to my room
42) and hands me the phone and tells me its your p.o. , I said
43) thank you, than answered the phone. "hello" , my p.o. said
44) Albert why aren't you out there pounding the sidewalks lookin
45) for a JOB ? than I told my p.o. about the agreement I had
46) with MR. Cottrell about giving me two Days to get my things
47) some place safe before I had to start looking for work. and
48) that I have a appointment with my case Manager at 11:00 am
49) and I didn't want to miss that, thats why I wasn't across
50) town now. my p.o. than said o.k. just making sure your on top
51) of everything. and we hung up the phone.

SUPPORTING FACTS, page 2

52) I than got out of Bed, and walked the phone back up stairs,
53) and handed it to MR. Cottrell and said thank you. as I
54) started to turn to go back down stairs, MR. Cottrell said
55) Albert I dont think your going to make it here. and I said
56) and why that? MR. Cottrell pointed across the room to a new
57) Guy and said, look he just got here, and He already looking
58) for work. than I reminded MR. Cottrell on our agreement.
59) MR. Cottrell than said, " your right, your right ". than
60) MR.Cottrell ask me what did you do with that \$40.00 dallors
61) I gave you, " buy Drugs ?" and I said NO, I bought food like
62) you told me to. MR. Cottrell said show me, so I took him into
63) the Kitchen and pointed out what was mine.
64) than MR. Cottrell asked, so where were you last night?
65) and I said, I spent most of the day holding up my end of our
66) agreement, than stop by the store Albertson and picked up
67) some food, than I stoped by my girl-friend place and had
68) Dinner with her, and was back here at the Adullam house
69) around 9:30 pm.
70) MR. Cottrell than said; So you went to your girl-friends, so
71) you were getting "High". at this point, I'm feeling Hurt, I
72) have been accused of buying drugs, now I'm being accused of
73) getting high with my girl-friend. a girl-friend MR. Cottrell
74) dont even know.
75) at that point, I'm hurt, and I dont even want to respond, I
76) just turn and go back to my room. next thing I see is
77) MR. Cottrell running down the stairs, come straight to my
78) room, he never said a word, but Grab's my (left) arm with
79) both his hands and throws me across the room, into the wall,
80) as I'm picking myself up off the floor. MR. Cottrell comes
81) over and Grab's me around my neck with both his hands and
82) starts strangling me, and digging his nails into both sides
83) of my neck, to the point where I about pass out. I started
84) to lift my hands, but something inside side " stop". and I
85) just low'er my hands back to my side. never even touching
86) MR. Cottrell, knowing if I do anything, I'll be the one going
87) to jail. because I'm on parole, so I just let MR. Cottrell
88) strangle me.
89) MR. Cottrell than see I'm about to pass out,and, he than lets
90) go of my neck and storms off back up stairs. I run back into
91) my room, and start getting dressed so I could leave the House
92) but before I could finish, MR. Cottrell comes back down to my
93) room and hands me my necklace he had pulled off my neck when
94) he was strangling me.
95) than MR. Cottrell said "look" I'm sorry this happen, let's
96) forget this and start over again NEW. than MR. Cottrell go's
97) on about how he a christian, and how he was alittle over
98) whelm, and he has Car payment due, and he see I'm not looking
99) for work and it upset him. the whole time, I just wanted to
100) get out of the house. Mr. Cottrell finally go's back up stair
101) and I finish getting dressed and leave the house, and went
102) straight to the parole Department, which is like four blook
103) away; and ask to see my p.o. Allan Kitterman.

SUPPORTING FACTS, page 3

104) My p.o. Allan Kitterman see my neck upon walking up, and
105) asked what happen to you? I said I got strangled over there.
106) my p.o. asked by who ? and I said by ken Cottrell, my p.o.
107) asked what I wanted to do about it? I said I didn't know,
108) that why I came straight to you about it, and Allan Kitterman
109) my p.o. said well this isn't the first time MR. Cottrell has
110) done this. when I heard that , than I said than I want to
111) press charges.
112) My p.o. called the Billings Police and I gave my statement
113) and than the police officer took pictures of my neck. than
114) I told my p.o. that he should give me a urine analysis test,
115) because MR. Cottrell was accusing me of getting " HIGH ".
116) the test came back CLEAN.
117) after I was done at the parole Department, I walked up to
118) riverstone hospital (about 1 block away) to be check out by
119) Doctor because I was having trouble breathing and my neck was
120) in pain.
121) about three days later, I went down to the Billings County
122) district Attorney office to fine out why nothing was happenin
123) when I was Brutally assaulted by Kenneth Raymond Cottrell.
124) it took 30 days for the Billings county District Attorney to
125) file charges, in that 30 days I ran into 5 differant people
126) that MR. Cottrell had put hands on in one way or another,
127) and two of them were women. I took all their names and number
128) down, and took them straight down to Billings county district
129) Attorney office, to help support my case against MR. Cottrell
130) I was never contacted by anyone, to tell me of any court
131) hearing, they didn't even tell me for 9 months that they drop
132) the case on MR. Cottrell. where is my Equal protection of the
133) Law??? if you look at the police report, MR. Cottrell states
134) I would not leave, so " he was foce to take necessary action"
135) necessary action meaning takeing the LAW into his own hands
136) and strangling a person, and cutting off the air & blood flow
137) to a person brain and to the point I just about pass out.
138) MR. Cottrell also lied in the police report. at no point
139) did MR. Cottrell ever ask me to leave, that was a lie.

NOTICE OF BILLINGS MUNICIPAL COURT
DISMISSAL

Case: **City vs. Kenneth Raymond Cottrell**
Docket #(s): **CR-2017-0000113**
C & O #(s): **17-07531**
Offense Date: **02/03/2017**
Misdemeanor Charge: **Assault - Bodily Injury**
Date of Dismissal: **June 19, 2017**

This case was dismissed.

If you have any questions or comments, please do not hesitate to contact me at **(406) 237-6211**. If you move or change your telephone number, please notify us immediately so that we know where to locate you.

Date of Notice: January 3, 2018

Charlee Marsh
Victim Witness Specialist
Billings City Attorney's Office
(406) 237-6211

*I TRIED MANY TIMES TO CALL THIS NUMBER
AND NEVER GOT AN ANSWER*

*I DONT KNOW IF THIS CHARLEE MARSH IS
A VICTIM WITNESS SPECIALIST FOR "ME" OR FOR
KEN COTTRELL.*

*THE WAY IT WAS TOLD TO ME ("BY A JUDGE") IT LOOK LIKE THEY GAVE
KEN COTTRELL A VICTIM SPECIALIST TO PROTECT HIM ONCE THEY DISMISSED
THE CASE. HOW TRUE THIS IS, I DONT KNOW. LIKE I SAID NO ONE EVER
ANSWER ANY OF MY CALLS.*

A, HARE



BILLINGS POLICE DEPARTMENT

220 N 27TH ST BILLINGS, MT 59101



CASE REPORT

CASE NO. 2017-00007531

EVENT	DATE REPORTED	TIME	INCIDENT TYPE	
	2/3/2017	13:33	Assault Fist Feet	
	OCCURRED BETWEEN	TIME	LOCATION OF OCCURRENCE	
	02/03/2017	13:00	204 S 29TH ST	
	AND	TIME	REPORTING OFFICER (NAME AND ID #)	STATUS / DATE
	02/03/2017	13:33	SOLORIO # 0440	Open/Active 02/03/2017

OFFENSES	STATUTE/ORDINANCE #	COMMIT/ATTEMPT	DESCRIPTION OF STATUTE/ORDINANCE
	1 45-5-201(1)(a)	Commit	ASSAULT
	2		
	3		
	4		

<input type="checkbox"/> IN CUSTODY	<input type="checkbox"/> USE OF FORCE	<input type="checkbox"/> EVIDENCE	<input type="checkbox"/> PRINTS	<input checked="" type="checkbox"/> PHOTOS	<input type="checkbox"/> IN CAR VIDEO
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SUBJECT	SUBJECT CODE	NAME (LAST, FIRST, MIDDLE)		SSN				
	Adult	Victim		HARE, ALBERT,				
	ADDRESS (STREET ADDRESS, CITY, STATE, ZIP)			PRIMARY PHONE	OTHER PHONE			
	13 N 32ND ST Billings, MT 59101			Business (406)896-5412				
	DOB	AGE	RACE	SEX	HEIGHT	WEIGHT	HAIR COLOR	EYE COLOR
	01/01/1963	54	White	M	6' 2	210	Brown	Brown
DL # / DL STATE			STATEMENT TYPE		OTHER CONTACT			
0106019634101 / MT								
SCHOOL/EMPLOYER NAME				SCHOOL/EMPLOYER PHONE				

CIRCUMSTANCES	<p>Officer responded to an assault call. Officer arrived on scene and made contact with the victim. The victim stated that he was assaulted by the suspect and showed red scratch marks on his neck. Pictures were taken. Officer then arrived at the suspect's home and spoke to the suspect. Suspect was not cooperative and stated he did not want to give a statement.</p>

REPORTING OFFICER	DATE	REVIEWING SUPERVISOR	DATE	SORTED BY
SOLORIO # 0440	02/03/2017	WEST, NATHAN	02/04/2017	

BILLINGS POLICE DEPARTMENT

CASE REPORT

CASE NO.

2017-00007531

SUPPLEMENT

On 2/3/2017, I, Officer Solorio responded to a cold assault that had occurred at 204 S 29th St. I met with the victim, Albert Eugene Hare. The suspect is identified as

I arrived on scene and made contact with Albert. When asked, Albert stated that he was assaulted by around 1300 hrs. Albert has recently moved into the home on 2/2/2017. Albert was recently released from The Rimrock Foundation Rehab Center. His Probation Officer, Officer Kitterman contacted a sober living foundation located at 204 S 29th St. is the home owner and the program director. accepted him into the home. While living in the sober living home, patients are required to look for a job.

The following day, Albert stated that he slept in and was woken up by . He stated that was extremely confrontational and aggressive with him when telling him to wake up and go look for a job. Albert stated that he was still in the process of moving his personal belongings from one location to the other and had not finished moving in and did not plan on looking for a job that day. Albert stated that he wanted to diffuse the situation and left the room. He attempted to get away from by walking out of the room. followed him and continued to yell at Albert. Albert stated that at some point grabbed Albert by the neck using two open hands and wrapped his hands around Albert's neck. He then let go. Albert stated that there were witnesses their but when Albert asked for them to call police, they chose not to and told Albert that they did not see anything.

Albert suffered minor injury to his neck. Pictures were taken of the scratches. I then made contact with at 204 S 29th St. When asked, refused to give a statement but did state that Albert did not want to leave the home when asked so he was forced to take necessary action to get him to leave. is the homeowner. There were no witnesses to the altercation.

At this point there are no cooperating witnesses. I will be submitting a warrant request to the City Attorney's Office for Ken. The pictures will be turned in with the report.

REPORTING OFFICER NAME AND ID#

SOLORIO # 0440

DATE

02/03/2017

REVIEWING SUPERVISOR

WEST, NATHAN

DATE

02/04/2017

A, HARE



Hare, Albert E

54 Y old Male, DOB: 01/01/1963

Account Number: 215045

, Billings, MT-59101

Home: 406-259-2109

Guarantor: Hare, Albert E Insurance: Self Pay

PCP: Outside PCP Outside PCP

Appointment Facility: RiverStone Health Clinic

Progress Note: Default Default

02/03/2017

Reason for Appointment

1. Was choked out/ trouble breathing

History of Present Illness

*General:

Pt has been in OIP for Rimrock for 2 days and was staying at the Adullam, (clean & sober house). Ken Cottrell is the director & allegedly choked the pt. Ken was mad that pt had not been looking for work. This choking happened at 1pm. He did make a police report. He does have a history of cervical injury in 2009. See Vs's. He is not short of breath. When he swallows, the muscles along esophagus are painful, 5/10. Neck does not appear swelled. His voice is normal. He does have a superficial nail scratch on left side of neck. He will use warm alternating with cold compresses, & Tylenol or Ibuprofen for pain. If symptoms worsen he will go to ER. He is aware also of Sat. clinic from 9am-4pm here. He is staying with his GF at Sage Towers now. MJ RN.

Past Medical History

Hx of drug use: IVUDU, meth, cocaine. Last use 2011..

Hepatitis C: 2/2 IVUDU; Fib 4 score(7/2015)=2.02, not indicative of normal liver but not indicative of advanced fibrosis.

Chronic cervical neck pain: s/p fall from roof 2010, whiplash type injury.

Tobacco abuse.

Vital Signs

Ht 74 in, BP (Final) 119/76, Temp 97.7, Heart Rate 74, Resp Rate 18, Oxygen Sat % 98, Pain Scale 5 anterior throat pain.



Electronically signed by Melanie Janssen on 02/03/2017 at 05:03 PM MST

Sign off status: Completed

Patient: Hare, Albert E DOB: 01/01/1963 Progress Note: Default Default 02/03/2017

DISCLAIMER: Speech recognition software may have been used to create some or all portions of this document. Please, interpret each sentence in the context of the entire note, as inadvertent, inaccurate, or nonsensical statements may have been generated. If the entire document or portions of the document failed to be understood by the reader, it is encouraged to seek clarification from the author.

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Adullam House Ministries

Providing Transitional Homes For The Previously Incarcerated

About

Adullam House Ministries is located in Billings, MT and provides transitional housing for incarcerated men and women working to assimilate back into the community. By providing a home environment, we support men and women who have shown internal motivation rather than enforce a program that exerts external pressure to force change. Adullam provides a home for individuals that need one.

The men's houses have been working with Montana State Prison, taking mainly long term incarcerated men, violent offenders, level 2 and level 3 sex offenders.

The women's house has been in place for a year and is currently working with Riverside Correctional Facility. But have taken women from Passages (Billings pre-release), Montana Women's Prison, as well as treatment facilities such as MCDC in Butte.

Belief

Though the motivation behind Adullam is our belief in Christ, we do not require residents to have any beliefs or interest in Christ. We are witnesses to Christ. We have learned, through our faith in Jesus Christ, that He changes us through community and family relationships.

DEFENDANTS' INVOLVED

PART 4 (Defendant's Involved)

Defendant # 1

- 01) KENNETH RAYMOND COTTRELL
- 02) Owner & Director of the sober living house called
- 03) Adullam house ministries, located at
- 04) 204 south 29th street Billings, MT. 59101

- 05) On 2-3-17 at or around 10:00am MR. Cottrell Brutally assaulted
- 06) me (Albert E, Hare). MR. Cottrell physically put both hands on
- 07) my (left) arm and threw me across the room, than why I'm picking
- 08) myself up off the floor, MR. Cottrell comes up and grab's me
- 09) with both his hands around my Neck, and cutting off the air &
- 10) blood flow to my brain and head, and why he cutting off my blood
- 11) circulation he is digging his finger nails into both sides of
- 12) my neck scrapping and leaving marks, while MR. Cottrell is
- 13) shaking my head back & forth, as if I was a rug doll. to the
- 14) point I'm about to pass out from lack of AIR.
- 15) before the assault, MR. Cottrell wrongfully Accused me of
- 16) buying Drugs, than again accuse me of getting HIGH on Drugs
- 17) because I said, I had Dinner with my girl-friend. A girl-friend
- 18) MR. Cottrell has never met and knows nothing about.
- 19) MR. Cottrell have violated the 8th AMENDMENT with his CRUEL AND
- 20) UNUSUAL PUNISHMENT AND HIS ASSAULT AND BATTERY.

PART 4 (Defendant's Involved)

Defendant # 2

01) Allan Kitterman
02) A parole officer with the Billings Montana probation & parole
03) Department. located at
04) 2615 4th ave. south Billings, mt. 59107

05) on 2-1-17 my p.o. Allan Kitterman calls my phone and tells me He
06) found a sober living house for me(Albert E, Hare) than gave me
07) a phone number to call. I called the number Immediately, I
08) believe it was around 1:30pm.
09) on 2-3-17 shortly after I (Albert E, Hare) was brutally assaulted
10) I Immediately went to see my p.o. Allan Kitterman, where I find
11) out from/by Allan Kitterman that this isn't the first time they
12) (the parole Department) has had problems with MR. Cottrell putting
13) hands on people.
14) when I heard that statement, said by Allan kitterman, I said,
15) than I want to file charges. the police were called, I gave my
16) report to the police, and the officer took a few pictures of my
17) injured neck.
18) in the 30 days I waited for the Billings County District Attorney
19) to file charges on MR. Cottrell, I ran into five differant people
20) MR. Cottrell has put hands on, in one way or another, two of them
21) were women. I took all five of their names and phone numbers down
22) and gave them to the Billings County district Attorney office, to
23) to help support my claim on MR. Cottrell.
24) I was also informed by the five people that the Billings parole
25) Department was well aware of this information, which makes the
26) assault on me a foreseeable sitituation, it is also a pattern
27) of looking the other way, even though people are being hurt.
28) after the assault on me by MR. Cottrell, Allan Kitterman
29) allowed me to move into a girl-friends place. about a week after
30) the assault I went down to the Billings Library and looked
31) up the Adullam house on the inter net, and was shocked to find
32) out that, the Adullam House was really setup to house level 2 & 3
33) sex offenders and violent offenders. I'm niether of them, I'm a
34) drug offender. at this point, I'm feeling I was set up for failure,
35) by placing me around sex offender, and by Allan Kitterman knowing
36) MR. Cottrell pattern's of assaults.
37) Now Allan Kitterman starts overwhelming me with condition he
38) wants me to do, on top of everything else I have going on in
39) my life, I'm trying to help the girl-friend out my p.o. allowed
40) me to move in with, plus I have relaps provention classes with
41) RimRock Foundation four days aweek. but now Allan Kitterman feels
42) I need to turn in 20 JOB's appilcation a week with proof, plus go
43) to 2 N.A. meetings a week with proof. wants me to go to the
44) Pre Release center and sign up for E.s.p. where I Have to test
45) every Day, than schedule a chemical dependency evaluation, and
46) also visit a mental health doctor.
47) I'm now feeling stressful, trying to keep things in order, than
48) I somehow missed my appointment with the chemical Evaluation.
49) Allan Kitterman calls and ask why i missed my appointment ?

PART 4

Defendant # 2

50) I was at a lost, and ask if I could just re-schedule, that it was
51) an accident. but Allan Kitterman said NO, I'm putting a arrest
52) warrant out for you.

53) Now if we look at all the facts here, Allan Kitterman did in
54) fact violate the 14th amendment with his inaction, by placing me
55) in a "Dangerous Creation" and also violating and abusing a
56) State-created relationship with a foreseeable incident, and
57) failure to protect provision, a "pattern" by looking the other
58) way when it comes to MR. Cottrell putting hands on people.

59) Than the Federal courts tell me, the Federal courts recognize
60) only two exceptions to the bright-line rule that state actors do
61) not violate the fourteenth Amendment by their inaction. first, the
62) Ninth Circuit has recognized a "danger creation" exception that
63) occurs when state action affirmatively places the plaintiff in a
64) position of danger, that is, where state action "creates or exposes"
65) an individual to a danger which he or she would not have otherwise
66) faced" second, the "special relationship" exception applies where
67) a state actor abuses a special state-created relationship with an
68) individual.

On January 19, 2017, the Parolee returned to supervision after checking himself into Rimrock Foundation and was given a second chance from the Board of Pardons and Parole to continue community supervision.

Since that time the alleged violation have occurred:

ALLEGED VIOLATION(S)/SUPPORTING EVIDENCE

Count I: State Condition #1 Residence: My residence must be approved by a Probation/Parole Officer. I will not change my place of residence without first obtaining written permission from a Probation/Parole Officer. I will make my home open and available for Officers to visit or search upon reasonable suspicion. I will not own dangerous/vicious animals such as guard dogs, use perimeter security doors or any other device that would hinder an Officer, or refuse to open the door to my residence when requested.

Violation: On June 5, 2017, a contact letter was sent to the Parolee's listed residence. The contact letter was returned to sender as it was unable to forward. The Parolee has not reported to Probation and Parole a new address.

Count II: State Condition #3 Employment: I will seek and maintain employment or a program approved by the BOPP or a Probation/Parole Officer. I must obtain permission from a Probation/Parole Officer prior to any change of employment. I will inform my employer of my status on probation, parole, or other community supervision.

Violation: The Parolee has not turned in any job search logs since reporting he was fired from Village Rentals on 5/12/2017. The Parolee has not verified he has been seeking employment since.

Count III: State Condition #4 Reporting: I will personally report to a Probation/Parole Officer as directed. I will submit written monthly reports on forms provided. I will make myself available to Probation/Parole Officers as requested.

Violation: On June 6, 2017, the Parolee failed to report as directed. Attempts have been made to locate the Parolee to no avail. The current whereabouts of the Parolee is unknown at this time.

Count IV: State Condition #36 Comply with all Sanctions: The Defendant shall comply with all sanctions given as a result of an intervention, on-site (preliminary), or disciplinary hearing.

Violation: On June 5, 2017, the Parolee failed to report to his scheduled chemical dependency evaluation at 2:00 pm. The Parolee also failed to gain full time employment within the specified timeline, and has not provided any documentation of attending 2 self helps a week.

Count V State Condition #8 Laws & Conduct: I shall comply with all city, county, state, and federal laws and ordinances, and conduct myself as a good citizen. I shall report any arrests or contacts with law enforcement to a Probation/Parole Officer within 72 hours. I will at all times be cooperative and truthful in all my communications and dealings with Probation/Parole Officers and any law enforcement agency.

Violation: The Parolee was called and the Parolee's girlfriend answered. The Parolee was heard in the background telling his girlfriend, "you have to cover for me when he calls, how many times have I told you this Barb?" The Parolee also said, "If my parole officer comes over right now, I'm fucked, and I'll go back to prison."

ADJUSTMENT TO SUPERVISION

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive. (Do not cite legal arguments, cases, or statutes). Attach additional pages if needed.

PLEASE SEE EXHIBIT E

(NOTE: If more space is needed to furnish the above information, continue on a blank sheet labeled "APPENDIX C: INJURY").

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Please see EXHIBIT F

(NOTE: If more space is needed to furnish the above information, continue on a blank sheet labeled "APPENDIX D: REQUEST FOR RELIEF").

VI. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☐

Yes

☒

No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

"INJURIES"

1V. INJURIES

01) On 2-3-2017 about 9:45am, MR.Cottrell Assault & battery me,
02) Albert E, Hare. first by telling me he didn't think I was going
03) to make there. (at the ADULLAM HOUSE) .
04) than accusing me of buying Drug's, than again, MR.Cottrell
05) accuse me of getting High with a Girlfriend.
06) Than MR.Cottrell commit's Battery on me (Albert E, Hare)
07) by throwing me across the room, than while I'm picking myself
08) up off the floor, MR.Cottrell come up and grabs me around my Neck
09) and start stragling me with both Hands, while MR.Cottrell Dig's
10) his Fingernails into my Neck.
11) Billings Police Department took Pictures of my injury where
12) MR.Cottrell had left Red scratch marks all over my Neck.
13) I went to Riverstone Health to be seen by a Doctor becaause
14) I was having trouble breathing.
15) Afterwards I moved into a Girlfriends place with my Parole
16) officer approval, where for the next three months I had a real
17) difficult time, I couldn't go very far from the house without
18) my neck hurting. I could walk 3 or 4 blocks than I had to lay
19) down.
20) This really interfered with my parole. My Parole Officer
21) wanted me out looking for a JOB, OR going across town for
22) Chemical Dependency Evaluation. but because of the difficult
23) time I was having with my head and neck, my parole officer
24) (Allan Kitterman) didn't want to deal with my problems so
25) Violates my parole and send me back to Montana state Prison
26) until I discharge my Parole, which is about 1 & a half years.
27) Montana State Prison wont give a MRI so i can find out what
28) the problem is, they feel just giving me Ibuprofen 600mg tablets
29) is the answer. but Ibuprofens dont do anything for the Pain.
30) I have lived in pain every Day with my Neck, it has really
31) been a Emotional Distress being violated and sent back to prison
32) for Means Beyond my CONTROL. all this has been a real mental &
33) Emotional suffering with real physical injury.
34) If I lay on my left side, or have to carry any weight for very
35) long my low'er neck swell up to what feels like the size of an
36) egg, than aches & pains set in, and I have to deal with them
37) from anywhere from one to two weeks at a time. in the area
38) where my low'er neck gets swollen, it turns hot and the pain
39) is to much to bear.

"RELIEF"

"RELIEF"
(Money Damages)

DEFENDANT # 1
Kenneth Raymond Cottrell

"Punitive Damages & Nominal Damages"

01) I'm seeking "punitive Damages in the amount of 20.000 U.S. Dallors
02) for the damages done.
03) MR. Cottrell was Driven by Evil motives and "Recklessness".
04) If you look at the Police report and Riverstone Health report
05) both report verify the Red scratch marks on my Neck that
06) MR. Cottrell left with his Fingernails.
07) MR. Cottrell even stated in the Police report "Albert" did not
08) want to leave the House when asked. so MR. Cottrell was forced
09) to take "Necessary Action", Necessary Action "meaning" Strangling
10) a person and cutting off his Air & Blood flow to his Brain,
11) while he was Digging his fingernails into my neck, leaving Scratch
12) marks all over my Neck, while MR.Cottrell is shaking my head back
13) and forth, making my neck alot worse than it ever was before.
14) My neck Now POP'S and shoots stabbing pains into my Head causing
15) Headaches.
16) The Montana State Prison refuses to give me a MRI to find out
17) the problem with my neck, the Prison feels Ibuprofen 400mg & 600mg
18) tablets is the answer for everything.
19) I can no longer lay on my left side of my Body, if I try and
20) force myself to lay on my left side, it Now cramps up and brings
21) continuous pain and headaches for days at a time.
22) I went to Riverstone Health because I was having trouble
23) breathing from being Strangled by MR.Cottrell, to the point I
24) about blacked out, my neck is in alot of pain from the whiplash
25) type injury MR.Cottrell left me with.

"Nominal Damages".

26) I want Nominal Damages in the amount 25.000 U.S. Dallors for
27) my Civil Constitutional Rights that were Violated by MR.Cottrell.

28) I am also asking that both Defendant's also Pay all Court fee
29) and Attorney fee's that is applicable Attorney fee statues such as
30) Civil Rights Attorney fee Award Act and the limitation on fee
31) contained in the prison litigation reform Act. Even if this Case
32) carry on beyond my parole Date.

DEFENDANT # 2
Allan Kitterman

"compensatory Damages & Nominal Damages"

01) I am seeking "compensatory Damages" in the amount of 20.000
02) U.S. Dollars for the physical and other harm I was caused.
03) Allan Kitterman is a State-actor that placed me (Albert E, Hare)
04) in a "Foreseeable" "Dangerous Creation" by his inaction.
05) His (Allan Kitterman) action still caused the Harm done by
06) MR.Cottrell, which makes him Liable for the injury I recieved,
07) even if the injury I recieved were Done by a third party.

"Nominal Damages"

07) I want Nominal Damages in the amount of 25.000 U.S. Dollars
08) for my Civil Constitutional Rights that were Violated by
09) Allan Kitterman. and for the physical harm done.

10) I am also asking that the Defendant's also pay all Court fee's
11) Attorney fee's that is applicable Attorney fee statues such as
12) Civil Rights Attorney fee's Award Act and the limitation on fee's
13) contained in the Prison litigation reform Act. Even if this case
14) carry on beyond my Parole Date.

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☐ Yes ☒ No ☐ Do not know

C. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☐ Yes ☒ No

D. If you did file a grievance answer the following questions:

1. Where did you file the grievance?

I was on the street, there is no grievance procedure. I did file charges with the Billings Montana police DEpartment.

2. What did you claim in your grievance?

3. What was the result, if any?

Billings couty dropped the case.

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. *(Describe all efforts to appeal to the highest level of the grievance process.)*

E. If you did not file a grievance, answer the following questions:

1. If there are any reasons why you did not file a grievance, state them here:

I was out in the community, I did file a police report with Billings montana police department on 2-3-17

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

I file charges with Billings, MT. police department on 2-3-17 for assault and battery, Billings county drop the case.

F. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

(NOTE: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VII. Plaintiff's Declaration

- A. Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.
- B. I understand I must keep the Court informed of my current mailing address and my failure to do so may result in dismissal of this Complaint without notice to me.
- C. I understand the Federal Rules of Civil Procedure prohibit litigants filing civil complaints from using certain information in documents submitted to the Court. In order to comply with these rules, I understand that:
- social security numbers, taxpayer identification numbers, and financial account numbers must include only the last four digits (e.g., xxx-xx-5271, xx-xxx5271, xxxxxxxx3567);
 - birth dates must include the year of birth only (e.g., xx/xx/2001); and
 - names of persons under the age of 18 must include initials only (e.g. L.K.).

If my documents (including exhibits) contain any of the above listed information, I understand it is my responsibility to black that information out before sending those documents to the Court.

I understand I am responsible for protecting the privacy of this information.

- D. I understand the submission of a false statement or answer to any question in this complaint may subject me to penalties for perjury. I declare under penalty of perjury that I am the Plaintiff in this action, I have read this complaint, and the information I set forth herein is true and correct. 28 U.S.C. § 1746; 18 U.S.C. § 1621.
- E. This Complaint was deposited in the prison system for legal mail, postage prepaid or paid by the prison, on

Executed at MONTANA STATE PRISON on 8-2-, 2018.
(Location) (Date)

Signature of Plaintiff: ALBERT E. HARE

Printed Name of Plaintiff: ALBERT E. HARE

Prison Identification #: 3011269

Prison Address: MONTANA STATE PRISON 700 CONLEY LAKE ROAD

DEER LODGE, MONTANA 59722
City State Zip Code